

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Frank P. Geraci,

Plaintiff

v.

Henry E. Black, Sr., et al,

Defendants

Case No.: 2:15-cv-1889-JAD-GWF

**Order Granting the United States of
America's Unopposed Motion to
Remand Case
(EJDC Case No. A-15-723052-C,
Dept. XXXI)**

[ECF 10]

Plaintiff Frank P. Geraci filed this suit in Nevada's Eighth Judicial District Court to quiet title in a parcel of real property he purchased at a non-judicial tax sale.¹ He sues the former owner of the property, and he also named the United States Department of Internal Revenue Service because of "its interest alleged" represented by that recorded tax lien.² The government removed the case to this court under 28 U.S.C. §§ 1442(a)(1) and 1444,³ so the court's jurisdiction over this case hinges on the government's participation as a defendant. But the government has now disclaimed any interest in the property because the tax lien has been released, and it now moves to dismiss the claim against it and remand the case back to state court.⁴ The government represents that it has "conferred with plaintiff's counsel, who does not oppose the remand of this action to state court."⁵

With good cause appearing, and finding that this motion may be resolved without

¹ ECF 1-2.

² *Id.* at 5, ¶ 18.

³ ECF 1; 10.

⁴ ECF 10.

⁵ *Id.* at 2.

1 opposition or oral argument,⁶ IT IS HEREBY ORDERED that the claim against the United
2 States Department of Internal Revenue Service is DISMISSED. Because this dismissal
3 deprives this court of subject-matter jurisdiction over this case, IT IS FURTHER ORDERED
4 that the United States' Motion to Remand [ECF 10] is **GRANTED**. **This case is remanded**
5 **back to the Eighth Judicial District Court, Case No. A-15-723052-C, Dept. XXXI**, and
6 the Clerk of Court is instructed to **close this case**.

7 DATED: November 9, 2015.

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10 Jennifer A. Dorsey
11 United States District Judge
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28 ⁶ The only remaining defendant, Henry Black, was apparently served on 9/22/15. ECF 5. The record does not reflect that he has answered or otherwise appeared.